



STATE SENATOR  
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Indiana State Senate  
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## 2004 Post-Session Newsletter

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### POLITICAL ROAD KILL:

#### BILLS CAUGHT IN THE CROSSFIRE

##### SB 17 – Expanded DNA Testing

Current Indiana law requires offenders convicted of violent sex crimes or burglary to submit a DNA sample, which is then cross-checked in the database. The bill would have added attempts and conspiracy to commit these crimes, along with residential entry and incest, to the testing law as well.

##### SB 374 – Biodiesel

Would have required the use of blended biodiesel fuel in state vehicles and tractors when feasible. Would have benefited both the environment and local soybean growers.

##### SB 379 – Release of Social Security Numbers

Would have prohibited the release of a Social Security number by a state agency unless required by law or authorized in writing by the individual in order to prevent identity

## DEMOCRACY

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constituents as a representative from Marion or Lake Counties.

The House and the Senate are governed by rules adopted by each respective chamber. In contrast to the House procedures, the Senate rules allow minority members to offer motions, amendments and freely debate issues before the Senate. Whether a bill or amendment passes is not the point – the important thing is that legislators have the opportunity to speak and represent their constituents.

This year, the Senate passed 166 Senate bills and sent them to the House for their consideration. The House passed only 19 of them – mostly because the House was shut down for a week when Republicans were not allowed to speak. Numerous measures died, including bills designed to enhance economic development and protect

Hoosiers (see sidebar at left). The House sent 128 bills to the Senate for consideration and the Senate passed 82 of them.

Very troublesome to me is the fact that so many legislators put gamesmanship before good public policy. They become consumed by it. A good example is the fiasco of trying to count a vote from an ill Democrat House member via computer/telephone from his home in South Bend. From then on, the session went downhill.

Every year, the last days of session are highly unpredictable, and this year is even more so. One important thing to remember is that it's better to let tainted bills die, rather than pass bad public policy.

The outcome of this session should not be measured in the number of new laws we passed, but rather the extraordinary discussion and debate we've had this year in the Senate. While part of our job is to pass good laws, the other part is to protect our constituents from bad ones. We have done plenty of that this year.



## State Senator John Waterman

Serving District 39 — Sullivan, Knox, Daviess, Clay, Greene, Owen, and Vigo Counties



## 2004 Facts & Figures

The Second Regular Session  
of the 113th General Assembly  
began on Organization Day,  
November 18, 2003,  
and adjourned March 4, 2004.

This non-budget year is known as  
the "short" session.

Senate bills introduced: 503  
Senate joint resolutions introduced: 10

Senate bills passed: 18  
Senate joint resolutions passed: 0

House bills introduced: 459  
House joint resolutions introduced: 7

House bills passed: 80  
House joint resolutions passed: 0

Percent of introduced bills that were  
sent to the governor: 10%

For more information  
about the General Assembly's  
2004 session,  
visit us online at:  
[www.in.gov/legislative](http://www.in.gov/legislative)

Visit my site at:  
[www.in.gov/S39](http://www.in.gov/S39)

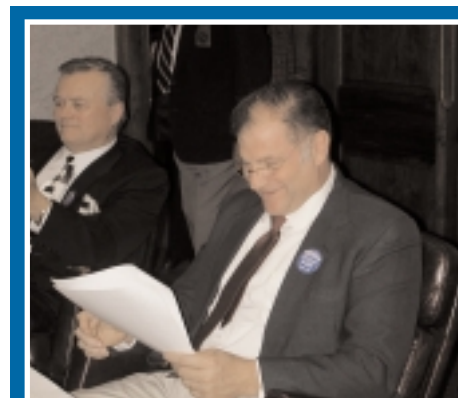
## Representative Democracy

### Citizens Lose When Gamesmanship Overshadows Public Policy

In a representative democracy, citizens elect representatives to speak for them before the governing body. In this case, 49 Republican state representatives were elected to represent citizens in the Indiana House of Representatives. These minority House members were not allowed by majority Democrats to offer a motion for debate on the sanctity of marriage. Additionally, they were not recognized to discuss a number of other issues being debated on the House floor. Electricity to the Republican microphone was disconnected at one point.

In response, House Republicans lobbied for several weeks and attempted a variety of legislative maneuvers to convince the Speaker to reconsider. Unfortunately, the Speaker would not relent, so there will be no opportunity for citizens to vote on the issue until late 2008.

I believe this is a matter which should be addressed by the entire legislature and the citizens of Indiana through a statewide



Sen. Waterman reads a bill under consideration by the Senate. Senators often use constituent feedback to formulate legislation.

voting referendum, rather than through the actions of an activist judiciary.

Representative democracy? Hardly. Half of Indiana citizens did not have a voice in the ongoing marriage debate. A representative from our community should have as much right to speak for his

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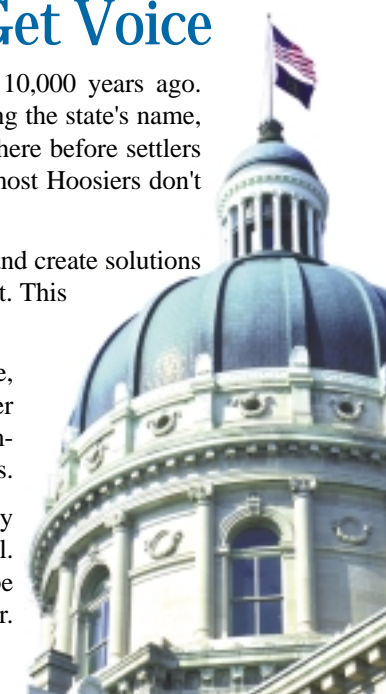
## Native Americans Finally Get Voice

Indiana was completely occupied by Indians more than 10,000 years ago. Historic American Indian tribes lived on this land, inspiring the state's name, "the land of Indians." But despite the fact that they were here before settlers came from Europe, Native Americans endure struggles that most Hoosiers don't face.

Last year, I authored a bill to form a commission to study and create solutions for these problems. The bill passed, but the governor vetoed it. This year, the veto was overridden by the General Assembly.

The issues the commission will study include health care, relationships between Native American communities and other communities in Indiana, education and stereotyping. The commission will not deal with tribal sovereignty or gambling issues.

Native Americans have played a significant role in not only the history of our state, but the history of our country as well. The formation of this commission is long overdue. I want to be sure this group has the same opportunities as any other Hoosier.



# Protecting Our Children

One of the most critical issues addressed during the session is child protection. Several provisions passed this year address the problems of child abuse, neglect and molestation.

Recent cases where an innocent child has died, such as the Anthony Bars case and several child protective services mishaps across the state, prompted this legislation. There is no excuse for the mismanagement that put these children in harm's way.

Anthony Bars was an Indianapolis child who was placed with a family member with a history of abuse. A criminal background check was not conducted, and the child tragically was killed. One bill set up more safeguards for children placed through child protective services, including more extensive background checks for temporary placement homes.

Another bill recognizes a child in need of services as a child who lives in the same home as a sexually abused child and lives with an adult who is a sex offender. If one child in a household is abused, statistics show that another child in that house has an 80 percent chance of being abused.

Another provision sets up a fatality review team to investigate unexpected deaths of children. Additionally, House Enrolled Act 1194 requires the state to publicly disclose information relevant to the death of a child because of abuse, abandonment or neglect. HEA 1194 made modifications to the Adoption and Safe Family Act, which substantially reformed our child protection and adoption law.

HOUSE ENROLLED ACT 1265 — Establishes a program pooling state employees to negotiate lower prices for bulk purchases of prescription drugs. Applies to schools, state colleges and universities, and cities and towns. PASSED. My vote: YES

# Fairness in Funding:



Full-day kindergarten should be implemented the right way.

During last year's budget session of the General Assembly, education was our number one priority. It was the only area in government that was given an increase during these difficult fiscal times. While surrounding states have cut education, we worked hard to provide our schools with a 3.3 percent increase in funding for Fiscal Year 2004 and a 2.9 percent increase in 2005. This additional funding has placed Indiana 10th in the country in per pupil spending, which is a commitment that senators want to be able to keep.

The state has drained every reserve account to make ends meet and provide schools with the money needed to continue essential programs for this budget cycle. The numbers from the most recent revenue forecast show that the state is not recovering as quickly as hoped and that the state needs to be cautious about what we are spending so we can keep the promise we made to our schools.

After an early start to our 2004 session, which officially began in mid-November, the governor suddenly decided that full-day kindergarten would be his top priority when he gave his State of the State address in January.

His first proposal was to fund the partial tuition of 20,000 full-day kindergarten pupils this fall. Parents were expected to pay for a portion of their child's extra hours at school. The governor proposed several shaky funding mechanisms to cover the remainder, including changing the state constitution to tap into an account reserved for schools' construction and renovation projects.

When the bill reached the Senate, the majority agreed that the state simply does not have enough money right now to pay for a statewide full-day kindergarten program. We all agree that early learning is important, which is why we wanted to form a committee to work this summer to find sustainable funding for the initiative. Unfortunately, Democrats decided that if they couldn't get funding this year, they were not interested in studying the issue this summer. The bill died in conference committee on the last night of the session.

I believe in Indiana's children, and I want them to have every opportunity to be successful. That is why it is so important to approach new government programs and spending with a critical eye. We must first fund our current obligations to public education before committing ourselves to spending even more taxpayer dollars.

Indiana is 10th in the nation for per-pupil education spending. Education is the only area of government that received an increase in funding during hard economic times.

SENATE BILL 135 — Requires a school corporation to provide a daily opportunity for students to voluntarily recite the Pledge of Allegiance. Provides an exemption for students who choose not to participate in the Pledge. FAILED. My vote: YES

HOUSE ENROLLED ACT 1082 — Requires a review of entries in the Missing Children Clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC). PASSED. My vote: YES

# WORKING - for - JOBS

In 2003, the Senate passed legislation with significant economic development measures, dubbed the JOBS plan. Economic development is full time work, and we are constantly trying to improve our business climate here in Indiana to help more Hoosiers find jobs.

Despite a \$1 billion state budget deficit, the Senate has continued to seek new ways to foster a more competitive atmosphere for businesses in Indiana.

While the virtual standstill in the House killed numerous economic development measures, one critical bill, House Enrolled Act 1365, passed the Senate this session and should provide some new momentum for our economic development efforts. It is a combination of several bills that focus on expanding small business investment, improving research and development and encouraging growth around the state.

## Economic Development Provisions in HEA 1365

- Makes several research and investment tax credits permanent. 

Economic Importance: Businesses will have confidence to invest in creating innovative new products knowing the credits are stable.
- Adds the Emerging Technology Grant Fund to the 21st Century Research and Technology Fund. 

Economic Importance: The Fund will match federal grants for small-sized technology-based businesses to accelerate the commercialization of new discoveries in the life sciences, information technology, advanced manufacturing, or logistics industries.
- Gives tax incentives to businesses who locate new or expanded operations on closed military bases.

HOUSE ENROLLED ACT 1194 — Opens state records regarding a child who died as a result of abuse, abandonment, or neglect. Requires extensive background checks on all members of a household for temporary and permanent placements. PASSED. My vote: YES

SENATE JOINT RESOLUTION 7 — Would have begun the process of amending the state constitution to define marriage as the union of one man and one woman. Because it failed in the House, the earliest the provision could appear on the ballot is 2008. FAILED. My vote: YES



Senator Waterman votes on HEA 1365. The bill could bring hundreds of jobs to Senate District 39, due to the provision designed to lower the tax obligation of any business willing to locate new operations near a closed military base like Crane Naval Surface Warfare Center.

Economic Importance: Incentives given to businesses on Grissom Air Force Base, Fort Benjamin Harrison and Crane Naval Surface Warfare Center will spark the local economy. New tax incentives are vital due to the elimination of the inventory tax by 2007.

- Improves rules regarding Community Revitalization Enhancement Districts (CREDS). 

Economic Importance: CREDS are important economic development tools for the downtown areas of our cities. Expanding and improving CREDS will further these efforts.
- Allows local governments to assess an annual fee to recipients of tax abatements. 

Economic Importance: The fee would be used by local economic development boards to help provide more jobs within the area. It would help small rural communities that do not have big budgets for economic development.
- Repeals the sales tax on complimentary hotel rooms. 

Economic Importance: Indiana will be more competitive with other states in attracting tourism and convention business.

The provisions mentioned are only several of many economic development bills filed this session. We will continue our effort to provide Indiana with the tools needed to improve our economic climate.

SENATE ENROLLED ACT 86 — Allows a voter to check "address unchanged" box on poll list instead of writing entire address when signing in to vote. Would save voters time when polls are crowded. PASSED. My vote: YES